

PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION

1 **AN ACT** *to repeal* 16.009 (1) (h) and 948.70 (1) (a); *to renumber* 146.31 (1),
2 185.983 (1) and 804.10 (1); *to renumber and amend* 118.25 (1), 253.01 and
3 975.001; *to consolidate, renumber and amend* 948.70 (1) (intro.) and (b); *to*
4 *amend* 15.165 (5) (a) 7., 15.405 (7m), 15.407 (1m), 15.915 (2) (b), 20.927 (1m),
5 29.193 (3) (a), 30.67 (6) (b), 46.21 (2) (m), 46.245, 46.297 (2) (a), 46.298, 46.87
6 (5) (a) 1., 49.26 (1) (g) 11., 49.43 (9), 50.09 (1) (a) (intro.), 50.36 (3g) (c), 50.90 (3),
7 55.043 (1) (b) (intro.), 59.53 (13) (a), 66.0601 (1) (b), 100.43 (3) (c), 106.50 (2r)
8 (bm) 2., 115.53 (4) (a), 118.29 (1) (e), 146.0255 (2), 146.17, 146.89 (1), 155.05 (2),
9 157.05, 157.06 (1) (h), 165.765 (2) (a), 252.14 (1) (ar) 4., 252.15 (1) (am), 252.23
10 (1) (a), 302.10, 302.113 (9g) (c), 302.37 (2), 302.383 (1) (b), 302.40, 343.63 (4),
11 347.485 (2) (b), 350.155 (2), 441.15 (2) (b), 441.16 (6), 444.10, 445.14, 447.03 (3)
12 (h), 449.01 (2), 449.02 (2), 450.01 (22), 454.02 (1), 459.035, 560.183 (1) (b),
13 765.03 (1), 804.10 (3) (a), 880.33 (1), 880.33 (4m) (b) 1., 891.09 (2), 891.40 (1),
14 891.40 (2), 938.48 (6), 939.615 (6) (e), 967.02 (2), 968.255 (3), 971.14 (2) (g),
15 971.14 (5) (am) and 990.01 (28); and *to create* 46.27 (1) (bg), 48.02 (14k), 50.01

1 (4p), 50.49 (1) (d), 51.01 (13m), 69.01 (17m), 77.51 (10m), 95.21 (1) (dm), 101.01
2 (10m), 118.25 (1) (a), 146.31 (1g), 146.55 (1) (fm), 155.01 (9m), 185.983 (1g),
3 252.01 (5), 253.01 (2), 301.45 (1d) (q), 343.045, 346.01 (3), 449.01 (5), 450.01
4 (15m), 454.01 (14m), 632.08 (1) (am), 632.835 (1) (cm), 632.89 (1) (eg), 767.001
5 (5m), 804.10 (1g), 938.02 (14g), 940.001, 941.315 (1) (c), 948.01 (3o), 975.001 (2),
6 979.001, 990.01 (25v) and 990.01 (40m) of the statutes; **relating to:** statutory
7 references to physicians and chiropractics.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be prepared for a subsequent version of this draft.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

8 **SECTION 1.** 15.165 (5) (a) 7. of the statutes is amended to read:

9 15.165 **(5)** (a) 7. One member who is a physician, ~~as defined in s. 448.01 (5).~~

10 **SECTION 2.** 15.405 (7m) of the statutes is amended to read:

11 15.405 **(7m)** NURSING HOME ADMINISTRATOR EXAMINING BOARD. There is created
12 a nursing home administrator examining board in the department of regulation and
13 licensing consisting of 9 members appointed for staggered 4-year terms and the
14 secretary of health and family services or a designee, who shall serve as a nonvoting
15 member. Five members shall be nursing home administrators licensed in this state.
16 One member shall be a physician as defined in s. 448.01 (5). One member shall be
17 a nurse licensed under ch. 441. Two members shall be public members. No more than
18 2 members may be officials or full-time employees of this state.

19 **SECTION 3.** 15.407 (1m) of the statutes is amended to read:

1 15.407 (1m) RESPIRATORY CARE PRACTITIONERS EXAMINING COUNCIL. There is
2 created a respiratory care practitioners examining council in the department of
3 regulation and licensing and serving the medical examining board in an advisory
4 capacity in the formulating of rules to be promulgated by the medical examining
5 board for the regulation of respiratory care practitioners. The respiratory care
6 practitioners examining council shall consist of 3 certified respiratory care
7 practitioners, each of whom shall have engaged in the practice of respiratory care for
8 at least 3 years preceding appointment, one physician, as defined in s. 448.01 (5), and
9 one public member. The respiratory care practitioner and physician members shall
10 be appointed by the medical examining board. The members of the examining
11 council shall serve 3-year terms. Section 15.08 (1) to (4) (a) and (6) to (10) shall apply
12 to the respiratory care practitioners examining council.

13 **SECTION 4.** 15.915 (2) (b) of the statutes is amended to read:

14 15.915 (2) (b) A representative of local health departments who is not an
15 employee of the department of health and family services, one physician, as defined
16 in s. 448.01 (5), representing clinical laboratories, one member representing private
17 environmental testing laboratories, one member representing occupational health
18 laboratories and 3 additional members, one of whom shall be a medical examiner or
19 coroner, appointed for 3-year terms. No member appointed under this paragraph
20 may be an employee of the laboratory of hygiene.

21 **SECTION 5.** 16.009 (1) (h) of the statutes is repealed.

22 **SECTION 6.** 20.927 (1m) of the statutes is amended to read:

23 20.927 (1m) Except as provided under subs. (2) and (3), no funds of this state
24 or of any county, city, village, town or family care district under s. 46.2895 or of any
25 subdivision or agency of this state or of any county, city, village or town and no federal

1 funds passing through the state treasury shall be authorized for or paid to a
2 physician, as defined in s. 448.01 (5), or surgeon or a hospital, clinic or other medical
3 facility for the performance of an abortion.

4 **SECTION 7.** 29.193 (3) (a) of the statutes is amended to read:

5 29.193 (3) (a) Produces a certificate from a licensed physician, as defined in s.
6 448.01 (5), or optometrist stating that his or her sight is impaired to the degree that
7 he or she cannot read ordinary newspaper print with or without corrective glasses.

8 **SECTION 8.** 30.67 (6) (b) of the statutes is amended to read:

9 30.67 (6) (b) In cases of death involving a boat in which the person died within
10 6 hours of the time of the accident, a blood specimen of at least 10 cc. shall be
11 withdrawn from the body of the decedent within 12 hours after his or her death, by
12 the coroner or medical examiner or by a physician, as defined in s. 448.01 (5), so
13 designated by the coroner or medical examiner or by a qualified person at the
14 direction of the physician. All morticians shall obtain a release from the coroner or
15 medical examiner prior to proceeding with embalming any body coming under the
16 scope of this section. The blood so drawn shall be forwarded to a laboratory approved
17 by the state health officer for analysis of the alcoholic content of the blood specimen.
18 The coroner or medical examiner causing the blood to be withdrawn shall be notified
19 of the results of each analysis made and shall forward the results of each analysis
20 to the state health officer. The state health officer shall keep a record of all
21 examinations to be used for statistical purposes only. The cumulative results of the
22 examinations, without identifying the individuals involved, shall be disseminated
23 and made public by the state health officer. The department shall reimburse
24 coroners and medical examiners for the costs incurred in submitting reports and

1 taking blood specimens and laboratories for the costs incurred in analyzing blood
2 specimens under this section.

3 **SECTION 9.** 46.21 (2) (m) of the statutes is amended to read:

4 46.21 (2) (m) May establish and maintain in connection with such county
5 hospital, an emergency unit or department for the treatment, subject to such rules
6 as may be prescribed by the county board of supervisors, of persons in the county who
7 may meet with accidents or be suddenly afflicted with illness not contagious;
8 provided that medical care and treatment shall only be furnished in such unit or
9 department until such time as the patient may be safely removed to another hospital
10 or to his or her place of abode, or regularly admitted to the county hospital. The
11 county board of supervisors may also contract with any private hospital or nonprofit
12 hospital within the county for the use of its facilities and for medical service to be
13 furnished by a licensed physician, or physicians, as defined in s. 448.01 (5), to
14 patients who require emergency medical treatment or first aid as a result of any
15 accident, injury or sudden affliction of illness occurring within the county, except
16 that reasonable compensation may only be authorized until the patient is regularly
17 admitted as an inpatient or safely removed to another hospital or to his place of
18 abode. In this paragraph, "hospital" includes, without limitation due to
19 enumeration, public health centers, medical facilities and general, tuberculosis,
20 mental, chronic disease and other types of hospitals and related facilities, such as
21 laboratories, outpatient departments, nurses' home and training facilities, and
22 central service facilities operated in connection with hospitals. In this paragraph,
23 "hospital" does not include any hospital furnishing primarily domiciliary care. In
24 this paragraph "nonprofit hospital" means any hospital owned and operated by a

1 corporation or association, no part of the net earnings of which inures, or may
2 lawfully inure, to the benefit of any private shareholder or individual.

3 **SECTION 10.** 46.245 of the statutes is amended to read:

4 **46.245 Information for certain pregnant women.** Upon request, a county
5 department under s. 46.215, 46.22 or 46.23 shall distribute the materials described
6 under s. 253.10 (3) (d), as prepared and distributed by the department. A physician,
7 as defined in s. 448.01 (5), who intends to perform or induce an abortion or another
8 qualified physician, as defined in s. 253.10 (2) (g), who reasonably believes that he
9 or she might have a patient for whom the information under s. 253.10 (3) (d) is
10 required to be given, shall request a reasonably adequate number of the materials
11 from the county department under this section or from the department under s.
12 253.10 (3) (d). An individual may request a reasonably adequate number of the
13 materials.

14 **SECTION 11.** 46.27 (1) (bg) of the statutes is created to read:

15 46.27 (1) (bg) "Physician" has the meaning given in s. 448.01 (5).

16 **SECTION 12.** 46.297 (2) (a) of the statutes is amended to read:

17 46.297 (2) (a) The person is certified as deaf or severely hearing impaired by
18 a physician, as defined in s. 448.01 (5), an audiologist licensed under subch. II of ch.
19 459, or the department.

20 **SECTION 13.** 46.298 of the statutes is amended to read:

21 **46.298 Vehicle sticker for the hearing impaired.** Upon the request of a
22 person who is certified as hearing impaired by the department, by a physician, as
23 defined in s. 448.01 (5), by a hearing instrument specialist licensed under subch. I
24 of ch. 459 or by an audiologist licensed under subch. II of ch. 459, the department
25 shall issue to the person a decal or sticker for display on a motor vehicle owned or

frequently operated by the person to apprise law enforcement officers of the fact that the vehicle is owned or operated by a hearing-impaired person. No charge shall be made for issuance of the decal or sticker. The department shall specify the design of the decal or sticker. The department shall designate the location on the vehicle at which the decal or sticker shall be affixed by its own adhesive.

SECTION 14. 46.87 (5) (a) 1. of the statutes is amended to read:

46.87 (5) (a) 1. At least one member of the household must be a person who has been diagnosed by a physician, as defined in s. 448.01 (5), as having Alzheimer's disease.

SECTION 15. 48.02 (14k) of the statutes is created to read:

48.02 (14k) "Physician" has the meaning given in s. 448.01 (5).

WAS THIS RENUMBERED
FROM 48.195(2)(d)(4)

SECTION 16. 49.26 (1) (g) 11. of the statutes is amended to read:

49.26 (1) (g) 11. If the individual is the mother of a child, a physician, as defined in s. 448.01 (5), has not determined that the individual should delay her return to school after giving birth.

SECTION 17. 49.43 (9) of the statutes is amended to read:

49.43 (9) "Physician" ~~means a person licensed to practice medicine and surgery, and includes graduates of osteopathic colleges holding an unlimited license to practice medicine and surgery~~ has the meaning given in s. 448.01 (5).

SECTION 18. 50.01 (4p) of the statutes is created to read:

50.01 (4p) "Physician" has the meaning given in s. 448.01 (5).

SECTION 19. 50.09 (1) (a) (intro.) of the statutes is amended to read:

50.09 (1) (a) (intro.) Private and unrestricted communications with the resident's family, physician, chiropractor, attorney and any other person, unless medically contraindicated as documented by the resident's physician in the

1 resident's medical record, except that communications with public officials or with
2 the resident's attorney shall not be restricted in any event. The right to private and
3 unrestricted communications shall include, but is not limited to, the right to:

4 **SECTION 20.** 50.36 (3g) (c) of the statutes is amended to read:

5 50.36 (3g) (c) If a hospital grants a psychologist hospital staff privileges or
6 limited hospital staff privileges under par. (b), the psychologist or the hospital shall,
7 prior to or at the time of hospital admission of a patient, identify an appropriate
8 physician, as defined in s. 448.01 (5). with admitting privileges at the hospital who
9 shall be responsible for the medical evaluation and medical management of the
10 patient for the duration of his or her hospitalization.

11 **SECTION 21.** 50.49 (1) (d) of the statutes is created to read:

12 50.49 (1) (d) "Physician" has the meaning given in s. 448.01 (5).

13 **SECTION 22.** 50.90 (3) of the statutes is amended to read:

14 50.90 (3) "Palliative care" means management and support provided for the
15 reduction or abatement of pain, for other physical symptoms and for psychosocial or
16 spiritual needs of individuals with terminal illness and includes ~~physician~~ services
17 provided by a physician, skilled nursing care, medical social services, services of
18 volunteers, and bereavement services. "Palliative care" does not mean treatment
19 provided in order to cure a medical condition or disease or to artificially prolong life.

20 **SECTION 23.** 51.01 (13m) of the statutes is created to read:

21 51.01 (13m) "Physician" has the meaning given in s. 448.01 (5).

22 **SECTION 24.** 55.043 (1) (b) (intro.) of the statutes is amended to read:

23 55.043 (1) (b) (intro.) The county protective services agency may transport the
24 vulnerable adult for performance of a medical examination by a physician, as defined
25 in s. 448.01 (5). if any of the following applies:

1 **SECTION 25.** 59.53 (13) (a) of the statutes is amended to read:

2 59.53 **(13)** (a) No county, or agency or subdivision of the county, may authorize
3 funds for or pay to a physician, as defined in s. 448.01 (5), or surgeon or a hospital,
4 clinic or other medical facility for the performance of an abortion except those
5 permitted under and which are performed in accordance with s. 20.927.

6 **SECTION 26.** 66.0601 (1) (b) of the statutes is amended to read:

7 66.0601 **(1)** (b) *Payments for abortions restricted.* No city, village, town, family
8 care district under s. 46.2895 or agency or subdivision of a city, village or town may
9 authorize funds for or pay to a physician, as defined in s. 448.01 (5), or surgeon or a
10 hospital, clinic or other medical facility for the performance of an abortion except
11 those permitted under and which are performed in accordance with s. 20.927.

12 **SECTION 27.** 69.01 (17m) of the statutes is created to read:

13 69.01 **(17m)** "Physician" has the meaning given in s. 448.01 (5).

14 **SECTION 28.** 77.51 (10m) of the statutes is created to read:

15 77.51 **(10m)** "Physician" has the meaning given in s. 448.01 (5).

16 **SECTION 29.** 95.21 (1) (dm) of the statutes is created to read:

17 95.21 **(1)** (dm) "Physician" has the meaning given in s. 448.01 (5).

18 **SECTION 30.** 100.43 (3) (c) of the statutes is amended to read:

19 100.43 **(3)** (c) A household substance, subject to special packaging standards,
20 which is dispensed pursuant to a prescription of a physician, as defined in s. 448.01
21 (5), dentist, or other licensed medical practitioner may be sold in conventional or
22 noncomplying packages when directed in such prescription or requested by the
23 purchaser.

24 **SECTION 31.** 101.01 (10m) of the statutes is created to read:

25 101.01 **(10m)** "Physician" has the meaning given in s. 448.01 (5).

1 **SECTION 32.** 106.50 (2r) (bm) 2. of the statutes is amended to read:

2 106.50 (2r) (bm) 2. Subdivision 1. does not apply in the case of the rental of
3 owner-occupied housing if the owner or a member of his or her immediate family
4 occupying the housing possesses and, upon request, presents to the individual a
5 certificate signed by a physician, as defined in s. 448.01 (5), which states that the
6 owner or family member is allergic to the type of animal the individual possesses.

7 **SECTION 33.** 115.53 (4) (a) of the statutes is amended to read:

8 115.53 (4) (a) The application shall be accompanied by the report of a physician,
9 as defined in s. 448.01 (5), appointed by the director of the Wisconsin Educational
10 Services Program for the Deaf and Hard of Hearing or the director of the Wisconsin
11 Center for the Blind and Visually Impaired and shall be in the same form as reports
12 of other physicians for admission of patients to such hospital.

13 **SECTION 34.** 118.25 (1) of the statutes is renumbered 118.25 (1) (intro.) and
14 amended to read:

15 118.25 (1) (intro.) In this section “~~school employee~~”:

16 (b) “School employee” means a person employed by a school board who comes
17 in contact with children or who handles or prepares food for children while they are
18 under the supervision of school authorities.

19 ~~**SECTION 35.** 118.25 (1) (a) of the statutes is created to read:~~

20 ~~118.25 (1) (a) “Physician” has the meaning given in s. 448.01 (5).~~

21 **SECTION 36.** 118.29 (1) (e) of the statutes is amended to read:

22 118.29 (1) (e) “Practitioner” means any physician, as defined in s. 448.01 (5),
23 dentist, optometrist, physician assistant, advanced practice nurse prescriber, or
24 podiatrist licensed in any state.

25 **SECTION 37.** 146.0255 (2) of the statutes is amended to read:

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1 146.0255 (2) TESTING. Any hospital employee who provides health care, social
2 worker or intake worker under ch. 48 may refer an infant or an expectant mother of
3 an unborn child, as defined in s. 48.02 (19), to a physician, as defined in s. 448.01 (5),
4 for testing of the bodily fluids of the infant or expectant mother for controlled
5 substances or controlled substance analogs if the hospital employee who provides
6 health care, social worker or intake worker suspects that the infant or expectant
7 mother has controlled substances or controlled substance analogs in the bodily fluids
8 of the infant or expectant mother because of the use of controlled substances or
9 controlled substance analogs by the mother while she was pregnant with the infant
10 or by the expectant mother while she is pregnant with the unborn child. The
11 physician may test the infant or expectant mother to ascertain whether or not the
12 infant or expectant mother has controlled substances or controlled substance
13 analogs in the bodily fluids of the infant or expectant mother, if the physician
14 determines that there is a serious risk that there are controlled substances or
15 controlled substance analogs in the bodily fluids of the infant or expectant mother
16 because of the use of controlled substances or controlled substance analogs by the
17 mother while she was pregnant with the infant or by the expectant mother while she
18 is pregnant with the unborn child and that the health of the infant, the unborn child
19 or the child when born may be adversely affected by the controlled substances or
20 controlled substance analogs. If the results of the test indicate that the infant does
21 have controlled substances or controlled substance analogs in the infant's bodily
22 fluids, the physician shall make a report under s. 46.238. If the results of the test
23 indicate that the expectant mother does have controlled substances or controlled
24 substance analogs in the expectant mother's bodily fluids, the physician may make

1 a report under s. 46.238. Under this subsection, no physician may test an expectant
2 mother without first receiving her informed consent to the testing.

3 **SECTION 38.** 146.17 of the statutes is amended to read:

4 **146.17 Limitations.** Nothing in the statutes shall be construed to authorize
5 interference with the individual's right to select his or her own physician, as defined
6 in s. 448.01 (5), or mode of treatment, nor as a limitation upon the municipality to
7 enact measures in aid of health administration, consistent with statute and acts of
8 the department.

9 **SECTION 39.** 146.31 (1) of the statutes is renumbered 146.31 (1r).

10 **SECTION 40.** 146.31 (1g) of the statutes is created to read:

11 146.31 (1g) In this section, "physician" has the meaning given in s. 448.01 (5).

12 **SECTION 41.** 146.55 (1) (fm) of the statutes is created to read:

13 146.55 (1) (fm) "Physician" has the meaning given in s. 448.01 (5).

14 **SECTION 42.** 146.89 (1) of the statutes is amended to read:

15 146.89 (1) In this section, "volunteer health care provider" means an individual
16 who is ~~licensed as a physician under ch. 448;~~ or who is licensed as a dentist under
17 ch. 447, registered nurse, practical nurse or nurse-midwife under ch. 441,
18 optometrist under ch. 449 or physician assistant under ch. 448 or certified as a
19 dietitian under subch. V of ch. 448 and who receives no income from the practice of
20 that health care profession or who receives no income from the practice of that health
21 care profession when providing services at the nonprofit agency specified under sub.
22 (3).

23 **SECTION 43.** 155.01 (9m) of the statutes is created to read:

24 155.01 (9m) "Physician" has the meaning given in s. 448.01 (5).

25 **SECTION 44.** 155.05 (2) of the statutes is amended to read:

THIS S/B COVERED UNDER GENERAL DEFINITION
FOR ALL REFERENCES IN CHAPTER 155

double check

1 155.05 (2) Unless otherwise specified in the power of attorney for health care
2 instrument, an individual's power of attorney for health care takes effect upon a
3 finding of incapacity by 2 physicians, as defined in s. 448.01 (5), or one physician and
4 one licensed psychologist, as defined in s. 455.01 (4), who personally examine the
5 principal and sign a statement specifying that the principal has incapacity. Mere old
6 age, eccentricity or physical disability, either singly or together, are insufficient to
7 make a finding of incapacity. Neither of the individuals who make a finding of
8 incapacity may be a relative of the principal or have knowledge that he or she is
9 entitled to or has a claim on any portion of the principal's estate. A copy of the
10 statement, if made, shall be appended to the power of attorney for health care
11 instrument.

12 SECTION 45. 157.05 of the statutes is amended to read:

13 157.05 Autopsy. Consent for a licensed physician, as defined in s. 448.01 (5),
14 to conduct an autopsy on the body of a deceased person shall be deemed sufficient
15 when given by whichever one of the following assumes custody of the body for
16 purposes of burial: Father, mother, husband, wife, child, guardian, next of kin, or in
17 the absence of any of the foregoing, a friend, or a person charged by law with the
18 responsibility for burial. If 2 or more such persons assume custody of the body, the
19 consent of one of them shall be deemed sufficient.

20 SECTION 46. 157.06 (1) (h) of the statutes is amended to read:

21 157.06 (1) (h) "Physician" means has the meaning given in s. 448.01 (5), and
22 also includes an individual licensed or otherwise authorized to practice medicine and
23 surgery or osteopathy and surgery under the laws of any state.

24 SECTION 47. 165.765 (2) (a) of the statutes is amended to read:

1 165.765 (2) (a) Any physician, as defined in s. 448.01 (5), registered nurse,
2 medical technologist, physician assistant or person acting under the direction of a
3 physician who obtains a biological specimen under s. 165.76, 938.34 (15), 973.047 or
4 980.063 is immune from any civil or criminal liability for the act, except for civil
5 liability for negligence in the performance of the act.

6 **SECTION 48.** 185.983 (1) of the statutes is renumbered 185.983 (1r).

7 **SECTION 49.** 185.983 (1g) of the statutes is created to read:

8 185.983 (1g) "Physician" has the meaning given in s. 448.01 (5).

9 **SECTION 50.** 252.01 (5) of the statutes is created to read:

10 252.01 (5) "Physician" has the meaning given in s. 448.01 (5).

11 **SECTION 51.** 252.14 (1) (ar) 4. of the statutes is amended to read:

12 252.14 (1) (ar) 4. A physician ~~licensed under subch. II of ch. 448.~~

13 **SECTION 52.** 252.15 (1) (am) of the statutes is amended to read:

14 252.15 (1) (am) "Health care professional" means a physician ~~who is licensed~~
15 ~~under ch. 448~~ or a registered nurse or licensed practical nurse who is licensed under
16 ch. 441.

17 **SECTION 53.** 252.23 (1) (a) of the statutes is amended to read:

18 252.23 (1) (a) "Tattoo" has the meaning given in s. 948.70 (1) (b).

19 **SECTION 54.** 253.01 of the statutes is renumbered 253.01 (intro.) and amended
20 to read:

21 **253.01 (intro.) Definition Definitions.** In this chapter, "~~division~~":

22 **(1) "Division"** means the division within the department that has primary
23 responsibility for health issues.

24 **SECTION 55.** 253.01 (2) of the statutes is created to read:

25 253.01 (2) "Physician" has the meaning given in s. 448.01 (5).

255.04 > MEANING GIVEN IN S. 448.01(5)
255.08

1 **SECTION 56.** 301.45 (1d) (q) of the statutes is created to read:

2 301.45 (1d) (q) “Physician” has the meaning given in s. 448.01 (5).

3 **SECTION 57.** 302.10 of the statutes is amended to read:

4 **302.10 Solitary confinement.** For violation of the rules of the prison an
5 inmate may be confined to a solitary cell, under the care and advice of the physician,
6 as defined in s. 448.01 (5).

7 **SECTION 58.** 302.113 (9g) (c) of the statutes is amended to read:

8 302.113 (9g) (c) An inmate who meets the criteria under par. (b) may submit
9 a petition to the program review committee at the correctional institution in which
10 the inmate is confined requesting a modification of the inmate’s bifurcated sentence
11 in the manner specified in par. (f). If the inmate alleges in the petition that he or she
12 has a terminal condition, the inmate shall attach to the petition affidavits from 2
13 physicians, as defined in s. 448.01 (5), setting forth a diagnosis that the inmate has
14 a terminal condition.

15 **SECTION 59.** 302.37 (2) of the statutes is amended to read:

16 302.37 (2) Neither the sheriff or other keeper of any jail nor any other person
17 shall give, sell or deliver to any prisoner for any cause whatever any alcohol
18 beverages unless a physician, as defined in s. 448.01 (5), certifies in writing that the
19 health of the prisoner requires it, in which case the prisoner may be allowed the
20 quantity prescribed.

21 **SECTION 60.** 302.383 (1) (b) of the statutes is amended to read:

22 302.383 (1) (b) Ensure that the prisoner has been fully informed about his or
23 her treatment needs, the mental health services available to him or her and his or
24 her rights under ch. 51, and ensure that the prisoner has had an opportunity to
25 discuss his or her needs, the services available to him or her and his or her rights with

1 a licensed physician, as defined in s. 448.01 (5), licensed psychologist, or other mental
2 health professional.

3 **SECTION 61.** 302.40 of the statutes is amended to read:

4 **302.40 Discipline; solitary confinement.** For violating the rules of the jail,
5 an inmate may be kept in solitary confinement, under the care and advice of a
6 physician, as defined in s. 448.01 (5), but not over 10 days.

7 **SECTION 62.** 343.045 of the statutes is created to read:

8 **343.045 Definition.** In this subchapter, “physician” has the meaning given
9 in s. 448.01 (5).

10 **SECTION 63.** 343.63 (4) of the statutes is amended to read:

11 343.63 (4) The applicant shall submit with his or her application a statement
12 completed by a registered physician showing that in the physician’s judgment the
13 applicant is physically fit to teach driving.

14 **SECTION 64.** 346.01 (3) of the statutes is created to read:

15 346.01 (3) In this chapter, “physician” has the meaning given in s. 448.01 (5).

16 **SECTION 65.** 347.485 (2) (b) of the statutes is amended to read:

17 347.485 (2) (b) Except for photosensitive corrective glasses prescribed by an
18 ophthalmologist, physician, as defined in s. 448.01 (5), oculist or optometrist, eye
19 protection worn during hours of darkness may not be tinted or darkened.

20 **SECTION 66.** 350.155 (2) of the statutes is amended to read:

21 350.155 (2) In cases of death involving a snowmobile in which the decedent died
22 within 6 hours of the time of the accident, a blood specimen of at least 10 cc. shall be
23 withdrawn from the body of the decedent within 12 hours after death, by the coroner
24 or medical examiner or by a physician, as defined in s. 448.01 (5), so designated by
25 the coroner or medical examiner or by a qualified person at the direction of such

1 physician. All funeral directors shall obtain a release from the coroner or medical
2 examiner prior to proceeding with embalming any body coming under the scope of
3 this section. The blood so drawn shall be forwarded to a laboratory approved by the
4 department of health and family services for analysis of the alcoholic content of such
5 blood specimen. The coroner or medical examiner causing the blood to be withdrawn
6 shall be notified of the results of each analysis made and shall forward the results
7 of each such analysis to the department of health and family services. The
8 department of health and family services shall keep a record of all such examinations
9 to be used for statistical purposes only. The cumulative results of the examinations,
10 without identifying the individuals involved, shall be disseminated and made public
11 by the department of health and family services. The department shall reimburse
12 coroners and medical examiners for the costs incurred in submitting reports and
13 taking blood specimens and laboratories for the costs incurred in analyzing blood
14 specimens under this section.

15 **SECTION 67.** 441.15 (2) (b) of the statutes is amended to read:

16 441.15 (2) (b) The practice occurs in a health care facility approved by the board
17 by rule under sub. (3) (c), in collaboration with a physician, as defined in s. 448.01
18 (5), with postgraduate training in obstetrics, and pursuant to a written agreement
19 with that physician.

20 **SECTION 68.** 441.16 (6) of the statutes is amended to read:

21 441.16 (6) Nothing in this section prohibits a nurse from issuing a prescription
22 order as an act delegated by a physician, as defined in s. 448.01 (5).

23 **SECTION 69.** 444.10 of the statutes is amended to read:

24 **444.10 Physician to examine contestants.** Prior to entering the ring, each
25 contestant must be examined by a physician, as defined in s. 448.01 (5), who has been

441.15 (4) As defined in 448.01 (5)

1 licensed to practice in Wisconsin not less than 5 years and who is appointed by the
2 department and certifies in writing, over his or her signature, as to the contestant's
3 physical and mental fitness to engage in such contest.

4 **SECTION 70.** 445.14 of the statutes is amended to read:

5 **445.14 Funeral directors; who to employ.** No public officer, employee or
6 officer of any public institution, physician ~~or surgeon~~, as defined in s. 448.01 (5), shall
7 send, or cause to be sent, to any funeral director, the corpse of any deceased person,
8 without having first made due inquiry as to the desires of the next of kin, or any
9 persons who may be chargeable with the funeral expenses of such deceased person,
10 and if any such kin or person is found, his or her authority or direction shall be
11 received as to the disposal of such corpse.

12 **SECTION 71.** 447.03 (3) (h) of the statutes is amended to read:

13 447.03 (3) (h) A physician ~~or surgeon~~ licensed in this state, as defined in s.
14 448.01 (5), who extracts teeth, or operates upon the palate or maxillary bones and
15 investing tissues, or who administers anesthetics, either general or local.

16 **SECTION 72.** 449.01 (2) of the statutes is amended to read:

17 **449.01 (2) DISPENSING OPTICIANS.** A dispensing optician is one who practices
18 optical dispensing. The practice of optical dispensing comprises the taking of
19 necessary facial measurements and the processing, fitting and adjusting of
20 mountings, frames, lenses and kindred products in the filling of prescriptions of ~~duly~~
21 ~~licensed~~ physicians or optometrists for ophthalmic lenses. Duplications,
22 replacements or reproductions not requiring optometric service may be done without
23 prescription. Nothing herein contained shall change the responsibility of physician
24 to patient, or optometrist to patient.

25 ~~**SECTION 73.** 449.01 (5) of the statutes is created to read:~~

447.01 (8)(9) As defined in s. 448.01 (5)

1 449.01 (5) PHYSICIAN. In this chapter, “physician” has the meaning given in s.
2 448.01 (5).

3 **SECTION 74.** 449.02 (2) of the statutes is amended to read:

4 449.02 (2) This section shall not apply to physicians ~~and surgeons duly licensed~~
5 ~~as such in Wisconsin~~ nor shall this section apply to the sale of spectacles containing
6 simple lenses of a plus power only at an established place of business incidental to
7 other business conducted therein, without advertising other than price marking on
8 the spectacles, if no attempt is made to test the eyes. The term “simple lens” shall
9 not include bifocals.

10 **SECTION 75.** 450.01 (15m) of the statutes is created to read:

11 450.01 (15m) “Physician” has the meaning given in s. 448.01 (5).

12 **SECTION 76.** 450.01 (22) of the statutes is amended to read:

13 450.01 (22) “Vaccination protocol” means a written protocol agreed to by a
14 physician, ~~as defined in s. 448.01 (5),~~ and a pharmacist that establishes procedures
15 and record-keeping and reporting requirements for the administration of a vaccine
16 by a pharmacist for a period specified in the protocol that may not exceed 2 years.

17 **SECTION 77.** 454.01 (14m) of the statutes is created to read:

18 454.01 (14m) “Physician” has the meaning given in s. 448.01 (5).

19 **SECTION 78.** 454.02 (1) of the statutes is amended to read:

20 454.02 (1) Licenses to practice barbering or cosmetology do not confer the right
21 to diagnose, prescribe for or treat diseases or conditions except as indicated in the
22 definition of barbering or cosmetology in s. 454.01 (b) or under the direction of a
23 ~~licensed and practicing physician.~~

24 **SECTION 79.** 459.035 of the statutes is amended to read:

1 **459.035 Medical exam before being fitted.** A hearing aid shall not be fitted
2 for or sold to a child 16 years of age or younger unless within 90 days prior to the
3 fitting the person to be fitted has been examined by a physician, as defined in s.
4 448.01 (5), to determine whether or not he or she has any physical deficiencies that
5 would prohibit the effective use of a hearing aid.

6 **SECTION 80.** 560.183 (1) (b) of the statutes is amended to read:

7 560.183 (1) (b) "Physician" means a physician, ~~as defined in s. 448.01 (5),~~ who
8 specializes in family practice, general internal medicine, general pediatrics,
9 obstetrics and gynecology, or psychiatry.

10 **SECTION 81.** 632.08 (1) (am) of the statutes is created to read:

11 632.08 (1) (am) In this subsection, "physician" has the meaning given in s.
12 448.01 (5).

13 **SECTION 82.** 632.835 (1) (cm) of the statutes is created to read:

14 632.835 (1) (cm) In this subsection, "physician" has the meaning given in s.
15 448.01 (5).

16 **SECTION 83.** 632.89 (1) (eg) of the statutes is created to read:

17 632.89 (1) (eg) In this subsection, "physician" has the meaning given in s.
18 448.01 (5).

19 **SECTION 84.** 765.03 (1) of the statutes is amended to read:

20 765.03 (1) No marriage shall be contracted while either of the parties has a
21 husband or wife living, nor between persons who are nearer of kin than 2nd cousins
22 except that marriage may be contracted between first cousins where the female has
23 attained the age of 55 years or where either party, at the time of application for a
24 marriage license, submits an affidavit signed by a physician, as defined in s. 448.01
25 (5), stating that either party is permanently sterile. Relationship under this section

~~632.68 As defined in s. 448.01 (5)~~

632.853 ✓

DO NOT DELETE

WAS THIS RENUMBERED
FROM 632.68
NO

1 shall be computed by the rule of the civil law, whether the parties to the marriage are
2 of the half or of the whole blood. A marriage may not be contracted if either party
3 has such want of understanding as renders him or her incapable of assenting to
4 marriage.

5 **SECTION 85.** 767.001 (5m) of the statutes is created to read:

6 767.001 **(5m)** "Physician" has the meaning given in s. 448.01 (5).

7 **SECTION 86.** 804.10 (1) of the statutes is renumbered 804.10 (1r).

8 **SECTION 87.** 804.10 (1g) of the statutes is created to read:

9 804.10 **(1g)** In this section, "physician" has the meaning given in s. 448.01 (5).

10 **SECTION 88.** 804.10 (3) (a) of the statutes is amended to read:

11 804.10 **(3)** (a) No evidence obtained by an adverse party by a court-ordered
12 examination under sub. ~~(1)~~ (1r) or inspection under sub. (2) shall be admitted upon
13 the trial by reference or otherwise unless true copies of all reports prepared pursuant
14 to such examination or inspection and received by such adverse party have been
15 delivered to the other party or attorney not later than 10 days after the reports are
16 received by the adverse party. The party claiming damages shall deliver to the
17 adverse party, in return for copies of reports based on court-ordered examination or
18 inspection, a true copy of all reports of each person who has examined or treated the
19 claimant with respect to the injuries for which damages are claimed.

20 **SECTION 89.** 880.33 (1) of the statutes is amended to read:

21 880.33 **(1)** Whenever it is proposed to appoint a guardian on the ground of
22 incompetency, a licensed physician, as defined in s. 448.01 (5), or licensed
23 psychologist, or both, shall furnish a written statement concerning the mental
24 condition of the proposed ward, based upon examination. The privilege under s.
25 905.04 shall not apply to this statement. A copy of the statement shall be provided

1 to the proposed ward, guardian ad litem and attorney. Prior to the examination,
2 under this subsection, of a person alleged to be not competent to refuse psychotropic
3 medication under s. 880.07 (1m), the person shall be informed that his or her
4 statements may be used as a basis for a finding of incompetency and an order for
5 protective services, including psychotropic medication. The person shall also be
6 informed that he or she has a right to remain silent and that the examiner is required
7 to report to the court even if the person remains silent. The issuance of such a
8 warning to the person prior to each examination establishes a presumption that the
9 person understands that he or she need not speak to the examiner.

10 **SECTION 90.** 880.33 (4m) (b) 1. of the statutes is amended to read:

11 880.33 (4m) (b) 1. Order the appropriate county department under s. 46.23,
12 51.42 or 51.437 to develop or furnish, to provide to the ward, and to submit to the
13 court, a treatment plan specifying the protective services, including psychotropic
14 medication as ordered by the treating physician, as defined in s. 448.01 (5), that the
15 proposed ward should receive.

16 **SECTION 91.** 891.09 (2) of the statutes is amended to read:

17 891.09 (2) CHURCH AND DOCTOR'S RECORDS. Any church, parish or baptismal
18 record, and any record of a physician, as defined in s. 448.01 (5), or a person
19 authorized to solemnize marriages, in which record are preserved the facts relating
20 to any birth, stillbirth, fetal death, marriage or death, including the names of the
21 persons, dates, places and other material facts, may be admitted as prima facie
22 evidence of any fact aforesaid. But such record must be produced by its proper
23 custodian and be supported by the custodian's oath that it is such a record as it
24 purports to be and is genuine to the best of the custodian's knowledge and belief.

25 **SECTION 92.** 891.40 (1) of the statutes is amended to read:

891.40 (1) If, under the supervision of a licensed physician, as defined in s. 448.01 (5), and with the consent of her husband, a wife is inseminated artificially with semen donated by a man not her husband, the husband of the mother at the time of the conception of the child shall be the natural father of a child conceived. The husband's consent must be in writing and signed by him and his wife. The physician shall certify their signatures and the date of the insemination, and shall file the husband's consent with the department of health and family services, where it shall be kept confidential and in a sealed file except as provided in s. 46.03 (7) (bm). However, the physician's failure to file the consent form does not affect the legal status of father and child. All papers and records pertaining to the insemination, whether part of the permanent record of a court or of a file held by the supervising physician or elsewhere, may be inspected only upon an order of the court for good cause shown.

SECTION 93. 891.40 (2) of the statutes is amended to read:

891.40 (2) The donor of semen provided to a licensed physician, as defined in s. 448.01 (5), for use in artificial insemination of a woman other than the donor's wife is not the natural father of a child conceived, bears no liability for the support of the child and has no parental rights with regard to the child.

SECTION 94. 938.02 (14g) of the statutes is created to read:

938.02 (14g) "Physician" has the meaning given in s. 448.01 (5).

SECTION 95. 938.48 (6) of the statutes is amended to read:

938.48 (6) Consent to emergency surgery under the direction of a licensed physician ~~or surgeon~~ for any juvenile under its supervision under s. 938.183, 938.34 (4h), (4m) or (4n) or ~~938.357 (4)~~ upon notification by a licensed physician ~~or surgeon~~ of the need for such surgery and if reasonable effort, compatible with the nature and

938.505 (2)(a)(3)

Limit to 448

1 time limitation of the emergency, has been made to secure the consent of the
2 juvenile's parent or guardian.

3 **SECTION 96.** 939.615 (6) (e) of the statutes is amended to read:

4 939.615 (6) (e) A person filing a petition requesting termination of lifetime
5 supervision who is entitled to a hearing under par. (d) 2. shall be examined by a
6 person who is either a physician, as defined in s. 448.01 (5), or a psychologist licensed
7 under ch. 455 and who is approved by the court. The physician or psychologist who
8 conducts an examination under this paragraph shall prepare a report of his or her
9 examination that includes his or her opinion of whether the person petitioning for
10 termination of lifetime supervision is a danger to public. The physician or
11 psychologist shall file the report of his or her examination with the court within 60
12 days after completing the examination, and the court shall provide copies of the
13 report to the person filing the petition and the district attorney who received a copy
14 of the person's petition under par. (c). The contents of the report shall be confidential
15 until the physician or psychologist testifies at a hearing under par. (f). The person
16 petitioning for termination of lifetime supervision shall pay the cost of an
17 examination required under this paragraph.

18 **SECTION 97.** 940.001 of the statutes is created to read:

19 **940.001 Definition.** In this subchapter, "physician" has the meaning given
20 in s. 448.01 (5).

21 **SECTION 98.** 941.315 (1) (c) of the statutes is created to read:

22 941.315 (1) (c) "Physician" has the meaning given in s. 448.01 (5).

23 **SECTION 99.** 948.01 (3o) of the statutes is created to read:

24 948.01 (3o) "Physician" has the meaning given in s. 448.01 (5).

IS THIS 948.13?

1 **SECTION 100.** 948.70 (1) (intro.) and (b) of the statutes are consolidated,
2 renumbered 948.70 (1) and amended to read:

3 948.70 (1) In this section: ~~(b) “Tattoo”,~~ “tattoo” means to insert pigment under
4 the surface of the skin of a person, by pricking with a needle or otherwise, so as to
5 produce an indelible mark or figure through the skin.

6 **SECTION 101.** 948.70 (1) (a) of the statutes is repealed.

7 **SECTION 102.** 967.02 (2) of the statutes is amended to read:

8 967.02 (2) “Department” means the department of corrections, except as
9 provided in s. 975.001 (1).

10 **SECTION 103.** 968.255 (3) of the statutes is amended to read:

11 968.255 (3) No person other than a physician, as defined in s. 448.01 (5),
12 physician assistant or registered nurse licensed to practice in this state may conduct
13 a body cavity search.

14 **SECTION 104.** 971.14 (2) (g) of the statutes is amended to read:

15 971.14 (2) (g) The defendant may be examined for competency purposes at any
16 stage of the competency proceedings by physicians, as defined in s. 448.01 (5), or
17 other experts chosen by the defendant or by the district attorney, who shall be
18 permitted reasonable access to the defendant for purposes of the examination.

19 **SECTION 105.** 971.14 (5) (am) of the statutes is amended to read:

20 971.14 (5) (am) If the defendant is not subject to a court order determining the
21 defendant to be not competent to refuse medication or treatment for the defendant’s
22 mental condition and if the treatment facility determines that the defendant should
23 be subject to such a court order, the treatment facility may file with the court with
24 notice to the counsel for the defendant, the defendant and the district attorney, a
25 motion for a hearing, under the standard specified in sub. (3) (dm), on whether the

1 defendant is not competent to refuse medication or treatment. A report on which the
2 motion is based shall accompany the motion and notice of motion and shall include
3 a statement signed by a licensed physician, as defined in s. 448.01 (5), that asserts
4 that the defendant needs medication or treatment and that the defendant is not
5 competent to refuse medication or treatment, based on an examination of the
6 defendant by such a licensed physician. Within 10 days after a motion is filed under
7 this paragraph, the court shall, under the procedures and standards specified in sub.
8 (4) (b), determine the defendant's competency to refuse medication or treatment for
9 the defendant's mental condition. At the request of the defendant, the defendant's
10 counsel or the district attorney, the hearing may be postponed, but in no case may
11 the postponed hearing be held more than 20 days after a motion is filed under this
12 paragraph.

13 **SECTION 106.** 975.001 of the statutes is renumbered 975.001 (intro.) and
14 amended to read:

15 **975.001 (intro.) Definition Definitions.** In this chapter, ~~"department";~~

16 **(1) "Department"** means the department of health and family services.

17 **SECTION 107.** 975.001 (2) of the statutes is created to read:

18 975.001 **(2)** "Physician" has the meaning given in s. 448.01 (5).

19 **SECTION 108.** 979.001 of the statutes is created to read:

20 **979.001 Definition.** In this section "physician" has the meaning given in s.
21 448.01 (5).

22 **SECTION 109.** 990.01 (25v) of the statutes is created to read:

23 990.01 **(25v)** OSTEOPATH. "Osteopath" means a person holding a license or
24 certificate of registration from the medical examining board.

25 **SECTION 110.** 990.01 (28) of the statutes is amended to read:

1 990.01 **(28)** ~~PHYSICIAN, SURGEON OR OSTEOPATH.~~ “Physician,” ~~“surgeon” or~~
2 ~~“osteopath”~~ or “licensed physician” means a person holding a license or certificate of
3 registration from the medical examining board or chiropractic examining board.

4 **SECTION 111.** 990.01 (40m) of the statutes is created to read:

5 990.01 **(40m)** SURGEON. “Surgeon” means a person holding a license or
6 certificate of registration from the medical examining board.

7 (END)